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THE
Christians Testimony
AGAINST
TYTHES,

In an Account of the great Spoil and Rapine committed by the Bishop of Chester's Tythe-Farmer at Cartmell in Lancashire, upon the People there called Quakers, in the years 1677 and 1678.

Smith
1:144
2:1075
Kuch
ACTING

First, As an Informer upon the Act against Conventicles, for which his Witnesses stand indicted for Perjury.

Secondly, By Suits in Inferiour Courts (for Tythes) contrary to Law.

Prov. 1. My Son—if they say, Let us lurk privily for the Innocent without Cause—we shall all find precious Substance, we shall fill our Houses with Spoil. My Son, walk not thou in the Way with them.

Matth. 10. 32. Whosoever shall confess me before Men, him will I confess also before my Father which is in Heaven.

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MAY 21 1936

By Thomas Atkinson

Considerate Reader,

AS Persecution has been the Lot of Innocency in all Ages, expect not less in this our Age, but the like Treatment from its Adversaries. We read not that the *Jews* outward had more Reverence for the Lord Jesus Christ and his Followers, then had the *Heathens*: It was the *Jew* inward that followed Christ, when the *Jew* outward severely persecuted him and his Disciples. Parallel to the Age we live in, where the Outside or Legal *Christian* persecutes the Inward and Real *Christian*. And great Care and Industry is taken by Professors with Prophane to secure their Immoralities, whilst they extend their uttermost Endeavours against all Sobriety, yea, to Ruin their Neighbours, whom they ought to Love, breaking all Bonds of Law, Equity and Reason, in spoiling them without Mercy.

Its not unknown, that men may live as Debauched and Prophanely as they will, have Drunken Assemblies or Conventicles, and no Informers to prosecute, no Justice to make out Warrants for suppression thereof, no Constables or other Officers to spoil them of their Goods; these may live without Punishment to spend their Estates Luxuriously, whilst their sober Neighbours for Worshipping of God shall be left without Herd in the Stall, Bed to lie upon, Conveniencies for Food or Life. But we say, for all this our God is gracious, and ought to be feared and worshipped; he gives, and he take away, blessed be his Name; and it is in Mercy to his, which endures forever. And of their Adversaries Cruelty there will be an End in his

due time and season, whose Portion from the Lord will be bitter and miserable, unless they be reconciled by true and timely Repentance, which is the Desire of the Hearts of the Upright, who truly love their Enemies, and such who use them despightfully, as was the Doctrine of our Lord and Master whilst here on Earth.

This small Tract is of the late Sufferings and Persecutions of the People of God called Quakers in the Parish of Cartmell in Lancashire, partly for Tythes to the Bishop of Chester, and upon the Act against Couventicles, by Prosecution of the Bishop's Farmers of his Tythes there; the Manner, Nature and Kind of which particularly follows.

Farewel.

The

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THE
Christians Testimony
AGAINST
TYTHES

THE Bishop of *Chester* claiming the Tythes of the Parish of *Cartmell* in the County of *Lancaster* (as belonging to the gain of his Quarter) lets the same (as the Priests do the Cure of Souls to their Sub-Curates) to farm, unto one *Thomas Preston* the elder of *Holker*, within the said Parish of *Cartmell*. And there being several of the People of God call'd *Quakers* within that Parish, who never had nor received ought of Spirituals from the said Bishop or his Farmer, refus'd to put into their Mouthes, so that for several years last past the Bishops Farmer has presented them in the King's Courts at *Westminster* and County Court, whereby many suffered tedious Imprisonments, spoil of their Goods, and much waste by his Prosecutions.

Thomas Preston the younger of the same place renewing the Lease of the Bishop, most generally commenced Suits for his Tythes in the Court Barron of *Cartmell*. But in or about the 5th moneth called *July*, 1677. the said Court proceeding in the Suits commenced there; and pretending to hold Pleas, and to determine Cases for Tythes, the Defendants demur'd to the Jurisdiction of the said Court, as being not capable by Law to hold Pleas, or to determine any such Causes (as in Truth by Law it is not, nor can) upon which *T. Preston* being stopt in his Suits, brake out in great Rage and Wrath against the Defendants, threatening their Ruin, as after he attempted.

And

And for some time consulting what course he should take, advised with *John Armstrong* the Parish Priest (who confessed in discourse, that he advised the said *T. Preston* to set up Informers, against the said People upon the Act made for suppressing Conventicles, and to get his Tythes out of the Goods which might be taken upon that Act, and to put this in Execution.

Upon the 7th day of the 8th Moneth, 1677. being the first day of the Week, the said *Tho. Preston* sent two Informers, viz. one *George Rigg* his Tythe gatherer, a man of no good repute, (an Indictment for Perjury being since found and depending against him) and one *Edw. Stones* his near Neighbour, to an Assembly of the said People at *Height* in the said County there met together to wait upon God; and Worship him in Spirit and Truth, in a peaceable manner, as their manner is; and the Informers taking notice of the Persons there, in a short time came also the said *Thomas Preston* on Horse-back: and the said Assembly breaking up at their usual time, and as they were peaceably departing, *Tho. Preston* call'd out to the foremost, *Where is that Rogue that Preacher? I'll take a course with him? And where is that Tho. Atkinson that old Rogue of all Rogues?* This and such like was the Language he then used against an ancient grave Person of Seventy three Years of Age, a Man of good Conversation esteemed, and serviceable amongst his Neighbours to this very day.

When he had thus exprest himself, he told them further, *That his business was to acquaint them, That in case they would submit to the Jurisdiction of Cartmell Court, as they had done formerly, and let him recover his Tythes it should be well; but if not, he would Persecute them so, that he would rout them out, Root and Branch, Foundation and Generation; and would pull down their House over their Heads, and trail them in Carts.* Thus, with much more of such inhuman and insulting Expressions vented he in his fury to the whole Assembly then come out, and passing from their Meeting place.

These propositions attended with such Threats and Menacings had so small effect that he had no answer to his desire. For they being satisfied in Conscience, that they ought rather to obey

hey God then Men. And knowing Jesus Christ to be come, who ended that Priesthood that had Commission to take the Tythes of their Brethren the Jews, which offered Sacrifices for the People, and for that they had Tythes, having no other portion allotted. But Christ who is our Teacher, our high Priest and Law-giver, we cannot deny in maintaining a Tythe Priest and Hireling, who stands in opposition to him: And also knowing that such Inferiour Courts ought not to try or hold Jurisdiction of any case of Tythes they refused to comply with him.

Thereupon this *Tho. Preston* with his two Informers, *G. Rigg* and *E. Stones* Swear the Fact, and procure a Conviction from one *Myles Dolding* a Justice of Peace, and Brother in Law to the said *T. Preston*, who issued out his Warrant for Distress, dated the 18th of the 8th Mon. 1677.

In which Warrant is said, thirty five Persons duly Convicted, of which four of them were not at or in the Meeting that day; two whereof being far distant in another County, the third two Miles distant thence, and the fourth at home with her young Child, of which she was lately delivered.

And as prejury in general excuses not from other Sin, so the false Swearing of these Informers no wayes prohibited their after Cruelty: But upon the very next day, viz. the 19th of the same Moneth came this *T. Preston* the Tythe Farmer, *Geo. Rigg* the Informer accompanied with *Ro. Atkinson* chief Constable (and a Civil person) together with *William Askew* and *Jo. Barwick* sub Constables into the Field where *Francis Fleming* was at work, and demanding 20 l. for himself as a Preacher, and 5 s. for his Wife (notwithstanding she was absent from the Meeting that day for which she was Convicted) Distrained, took and drove away from him his two Cows, which was all he had, they having cost him near 9 l. but a little before.

Tho. Preston the Master of this work not contented with what he had got, although all, told the said *Francis*, that if he had had forty Cows more he would not leave him one; And said further, That if he would not submit, to let him recover his Tythes in *Cartmell* Court, he had a second Information against him for a Fine of 40 l. for Preaching, and 15 s. for his Wife; and he would

rout him out, and would rout them all out, and make them sell their Land —— and would bring others into their Land which would pay him his Tythes. The said *Fr. Fleming's* Wife standing by and hearing him, said, *The Lord forgive thee Thomas Preston, if thou mayst be forgiven.*

After this they went to *Tho. Barrow*, and demanding of him 10 s. for himself and Wife upon the aforesaid Conviction, and by vertue of the same Warrant took and distrained from him, one Stear worth near 3 l. And after took from him one other Stear and nine Sheep which in all came to the vallue of 7 l. or thereabouts.

The said *T. Preston* accompanied with *Ro. Atkinson* and *W. Askew*, by vertue of the same Warrant came to *T. Atkinson* and demanding 5 s. took for the same one Cow, which he had sold but a few dayes before for 2 l. 12 s. 6 d. The Cow being sold before, and the Warrant being but for 5 s. *Ro. Atkinson* fetcht Goods out of the House for the same, but *T. Preston* denyed to take them, but with violence took away the Cow for the 5 s.

This *Tho. Preston* still pursued his work, and with his Officers took and distrained from *John Barrow* for a Fine of 10 s. one small Gelding and several House-hold Goods to the vallue of 3 l. or thereabouts.

They also by vertue and colour of the same Warrant took away and distrained from *George Barrow* for a fine of 5 s. one Stirk, Sheep and Household Goods to the vallue of 1 l. 16 s. or thereabouts.

They also distrained and took away from *Richard Britton* for a fine of 10 s. one Stirk and three fat Sheep of the vallue of 1 l. 16 s. or thereabouts.

They also distrained and took away from *Robert Dixon* for a fine of 5 s. one Mare and a Bed covering, of the vallue of 4 l.

They also took away from *John Garnett* (who was not at the Meeting for which he was Convicted) for a fine of 5 s. one Coat of the vallue of 13 s. 4 d. or thereabouts.

They also took away from *William Pull* for a fine of 5 s. Sheep to the vallue of 1 l. or thereabouts.

They

They also distrained and took away from *Jo. Sharp* for the like fine of 5 s. one Steer of the vallue of forty Shillings, or thereabouts.

The Names of the severall Officers who were active or concerned themselves herein, were these, viz. *Robert Atkinson* chief Constable; *John Pull*, *William Askew*, *John Barwick*, *Peter Barrow*, *Richard Simpson*, *John Barrow*, *Tho. Comperthwaite* sub Constables; *Row. Harrison*, *George Dixon*, *Thomas Hudson*, Church Wardens; *Row. Rowlandson*, *John Barrow*, *Sam. Dawson*, Overseers of the Poor.

And upon the 22th day of the 8th Moneth, 1677. aforesaid, the Goods then taken away and distrained as aforesaid, were brought into the Market place at *Cartmell* to be sold by the common Cryer. And when the Cryer was selling them, the said *Tho. Preston* came and askt if they were all sold, If not (said he) they shall be sold, if it be but for two Pence a Beast, and if none will buy them, I'll make the Officers buy them; and I will rout the Quakers out of *Cartmell*.

Francis Fleming being then present, said to the People in the Market-place, Ye are many living Witnesses that hear him: Upon which *T. Preston* call'd the said *Francis* Rogue and Knave. The said *Francis* replied, Thou accusest me falsely, for I am neither Rogue nor Knave. And as a Testimony to the Truth of what is here before related, particularly to the abusive words, Menaces, Threats, and scurrilous Expressions of the said *Tho. Preston*, we who are under written are Witnesses, viz.

James Taylor, *Francis Fleming*, *Tho. Barrow*, *Elen Braithwaite*,
Ric. Button, *George Barrow*, *Tho. Pearson*, *Grace Barrow*,
Jos. Sharp, *John Barrow*, *John Pearson*, *Mable Barrow*,
Char. Silkins, *Christo. Fell*, *Rich. Stones*, *Marg. Barrow*,
Wil. Barrow, *Marg. Dawson*, *T. Atkinson*, *Marg. Stones*, &c.

Notwithstanding all the former Abuse, Cruelty and Spoil acted by this *T. Preston* and his Agents he still remained unsatisfied. And to give the said People yet further trouble, the 16th day of the 9th Moneth, 1677. then following, causes them to

be summoned again to the Court Barron at *Cartmell*, where one *Curwin Nicholls*, Justice of Peace, and a Person of Moderation, sitting as Steward, used some Perswasions to draw the Persons there summoned to submit to a Tryal there, and acknowledging the Court's Jurisdiction; but the Defendants being advised and satisfied, that by Law they ought not there to be tryed, again demur'd to the Court's Jurisdiction. Upon which the said *Th. Preston* fell into an exceeding Rage, and said, *If you Demur to the Court, I will never leave off prosecuting you as long as you have a Groat; and (said further) I Vow and Protest, I'll spend my whole Estate, but I'll rout you out of your Estates, and bring in others that shall pay my Tythes: And (holding up the Act against Conventicles in his Hand) I will prosecute this against you till I leave you not a Groat, unless you will submit to the Court.*

After all the Perswasions of the Steward and Threats of the Prosecutor to preserve their Christian Liberty on the one hand, and Legal Liberty and Right on the other, they stood to their Demurer, and were dismissed the Court.

But its observable all along to see what use this *T. Preston* makes of the *Act against Conventicles*, and to and for what End he applies and puts the same in execution, viz. *To maintain the Usurpation of inferiour Courts, to brow-beat the Law, to enforce the payment of his illegal Demands, a Shoeinghorn for his Interest, and a means to perjure his Agents.* The Act was made against seditious Conventicles; but the Use (or rather the Abuse thereof) to disturb Religious Meetings and Peaceable Assemblies, to gratifie the Envious, to enrich the Vagabond, to discourage the Industrious, and to ruin the King's People and peaceable Subjects.

Besides the former Distresses, there was distreined and taken away of *John Pearson* before named, he living at *Poolbank*, by one *John Crosfield* Constable, for *Witherslak* in *Westmoreland*, for a fine of 15 s. one Heifer worth 11. 10 s. And from *Thomas Pearson* of the same place, for a fine of 5 s. two stone of Hemp worth 6 s. 8 d.

At the Quarter-Sessions held at *Lancaster* the 9th day of the 2d moneth, call'd *April*, 1678. *Robert Atkinson* the chief Constable, with four other petty Constables, paid to one *Ker-nyon*,

nyon, Clark of the Peace, 9l. for the King's Part, for all the Goods they took away and sold (as is alledged) at 27l. and no more, being much less than the value thereof. And at the same Sessions there was a Bill of Indictment prefer'd against *Geo. Rigg* and *Ed. Stones*, the aforesaid Informers, for Perjuring themselves in Swearing against the said People, by whose false Oathes the aforesaid Convictions were made, and upon which the aforesaid Distresses were taken, Goods sold, Moneys levy'd, and King's part paid into Court) who in due time (if Justice fail not) may have the Reward of Perjured Persons.

Neither the Perjury of his Witnesses on the one hand, nor the Spoil which he had made on the other, did yet satisfy the Bishop's Farmer; but this *T. Preston*, the 14th of the 3d moneth, call'd May, 1678. near Sun-set, by *John Bateman* his Bailiff, summons several of the said people to appear next morning at a *Wapentake Court*, held for the Hundred of *Loynesedall* in *Lancashire*, at one *W. Turbuck's*, near *T. Preston's* Dwelling-house. At which place they appearing, one *Tho. Lamphigh* a Lawyer late as Steward of the Court; and calling for their Answer, they desired as their Right to appear by their Attorney, one *Edmund Gibson*, who, as formerly, offer'd a Demurer to the Jurisdiction of that Court, which the Steward refused to accept (although by Law he ought not to deny it)—but the Steward pressing for another Answer, they desired a Copy of the Plaintiff's Declaration in writing, and Time to plead till next Court, both which Requests although by the Law the Steward could not deny (as he was often told) yet he arbitrarily against Law, Right and Custom, over-ruled them, calling for the Plaintiff's Witness, which was *G. Rigg*, then standing indicted and having a Bill found against him for Perjury, who Swore

That *Thomas Atkinson* was indebted 1l. 13 s. 4 d.

That *Richard Britton* was indebted 1l. 9 s. 3 d.

That *John Barrow* was indebted 5 s. 1 d. q.

That *Thomas Barrow* was indebted 1l. 18 s. 6 d.

That *Ellen Braithwait* was indebted 6 s. 7 d.

And that *Eliz.* and *William Barrow* were indebted 18 s.

And that these particular sums were due to the said *T. Preston* for Bushel-Tythes, as they call them, which is pretended to be due by vertue of an Agreement or Composition heretofore made with *T. Preston* the elder, by several of the said Parish, to pay during his Life; and although it could not be proved that any of the said persons had subscribed that Agreement, or agreed to pay such Bushel-Tythes, or ever consented to that Agreement, yet against all Justice, Law and Equity the said Court, upon the bare Oath of *G. Rigg*, without giving any Copy of the Plaintiff's Declaration, or Time to plead, immediately passed Verdict and Judgment against them for the said respective sums.

And the next day, being the 16th of the 2d moneth called *May*, 78. early in the morning is sent this *Geo. Rigg*, the Swearer, with his Bailiffs, viz. *Geo. Smith*, *Jo. Bateman*, *John Fell* and *Will. Noblett*, who by colour of the aforesaid illegal procedure distress and take from the said people the Goods following, viz.

From the said *Thomas Atkinson* for the 1 l. 13 s. 4 d. Brass, Pewter, and a Pan of the best sort, one Ox Stirk and a Heifer of the full value of 4 l.

From *Rich. Britton* for the 1 l. 9 s. 3 d. one Gelding worth 3 l. 6 s. 8 d.

From *John Barrow*, a poor man, that labours hard to maintain his Wife and Children, for the 5 s. 1 d. q. one Heifer worth 1 l. 10 s.

From *Tho. Barrow* for the 1 l. 18 s. 6 d. two Cows worth 5 l. 10 s. Ten Shillings of whose Money the said *Rigg* the Tythegatherer acknowledged he had then in his Hands: & driving away the two Cows (when one was more worth then all the Demand) a Neighbour desired the Bailiff to return one of them back, and if one was not enough, he would pay the Over-plus; which thing the Bailiff refused, though they sold one for more then the Debt.

From *Ellen Braishwait*, a poor Widdow, for the 6 s. 7 d. (which was much more then they could by Law demand) had taken from her a little Cow and Calf, that she had bought about a Week before, which was all she had, and for which she paid 1 l. 15 s. [So here's the Devourers of Widows Houses.]

From

From *Elizabeth Barrow*, Widow, for the 18 s. they took one Cow, which was her little Daughter's, worth 3 l. 10 s.

So that for the 6 l. 10 s. 8 d. which the Tythe-Farmer's forsworn Swearers gave Evidence for in Court they distrein 19 l. 11 s. 8 d. which laid Goods the Bailiffs took and carry'd away, without shewing any Warrant for Distress, or Writ to levy the same, and forthwith drave and carry'd them to *Cartmell Town*, and sold them at under rates, out of Market, not of a Market-day, to such who were willing to partake of the unjust Spoil and Loss of their Neighbours Goods; the Bailiffs then having no Writ of *Venditioni exponas* to impower them to sell the same, as is usual, and as it is said they ought to have.

A Postscript to all People.

M O S E S, that Man of God, and who spoke from the Lord, he said, *A Prophet shall the Lord your God raise up, him shall the People hear in all things; and it shall come to pass, that they that will not hear that Prophet, shall be cut off, &c.* And in the fulness of time that true Prophet Christ Jesus came, and when he was come he said, *Come unto me all ye that labour and are heavy laden, and ye shall find Rest for your Souls.* A blessed Invitation to all that can receive it; this Eternal Rest which the Jews Resting Day was a Figure of, *remains a Rest for the People of God forever*; yet the Wise and the Learned, and the Scribes and the Pharisees among the Jews, they could not believe Christ Jesus when he was come, but reviled him, and set him at nought, and restless they were till they had crucified and put him to death; the Scriptures of Truth declare the same: And *Saul*, that great Persecutor, for all the wisdom & learning he had in the first nature thought he did God good Service when he got Letters from the Chief Priests and Rulers to persecute the Churches of the Saints & Servants of God where-ever he found them, such as feared God and worshipped him in Spirit and Truth, till it pleased the Lord to smite him with his Righteous Judgments, and bring down his
Pride

Pride and Presumption; and when he was blind, and cast down, then the Lord appeared to him, and let him see the Evil he had done against the Lord and his harmless People; and so from a persecuting Saul he became a converted Paul, and a Minister, *not of the Letter, but of the Spirit*; then all his Human Learning and Natural Wisdom was by him deny'd and set at nought, as may be read at large in his first Epistle to the *Corinthians*, in the beginning thereof; for its neither Natural Wisdom nor Natural Learning that can or ever did bring to the True Knowledge of God, it must come in the Self-denial, and in the revealed Will of God; *For none knows the Father but the Son, and he to whom the Son reveals him*; and as the wise and prudent of the World, and the chief Priests and Rulers would not come to Christ for Life and Salvation, but thought to have it in the outward Letter of the Scriptures, as Christ then told them; so the same dark spirit in people denies the Teachings of Christ in spirit in this Age; they will not come to the Light of Christ in themselves, to be taught by that, but set up Hireling Teachers without them, which tell them, *They must continue in Sin for term of Life*, and so are alwayes confessing, that *they are miserable Sinners, erring and going astray, doing that they should not do, and leaving that undone which they should do*; but all such shall know, that it is not they that confels, but they that forsake that shall find Mercy with the Lord: so that if ever people will come to the Knowledge of God & Christ they must first come to the Witness of God in themselves, the Light of Christ in their own Consciences; for as the Apostle saith, when he came to be a Minister of the Spirit, *That which may be known of God is manifested in man for God has shewed it to him*: this same Apostle, who had been the great Persecutor, when he came to preach the Cross of Christ, which is the Power of God, it was to the *Jews* a Stumbling-block, and to the *Greeks* Foolishness, and for that Persecution was his Portion from the great Learned Men, Priests and Rulers, and the baser sort of men joyned with; the Scriptures record the Truth thereof, which I do refer all sober men to try, if they do not find it to be so; for then the change came from a Persecutor to be Persecuted, Hated, Whipped and Imprisoned, and at last Death by the Ro-

mans: And besides all this, the Terrors and Judgments of the Lord, as a just Reward for his Wickedness done against Christ and his Faithful Servants, seized upon him, that he was forced in the anguish of his spirit to cry out, *Oh Wretched Man that I am! who shall deliver me from the Body of this Death, &c?* yet it pleased the Lord who is full of Mercy to all who truly repent and forsake the Evil of their doings, to bring him through Judgments, and to remit his Sins, that he could in the integrity of his heart say, *He had obtained Victory through Christ Jesus that loved him,* 1 Cor. 15. and in other of his Epistles to the several Churches, as may be read at large.

And so let none think strange that a Change be wrought and witnessed in this Life; for it was the Apostle's Exhortation, *To work out your own Salvation with Fear and Trembling; for it is God that worketh in you both to will & to do of his own good Will and Pleasure*: For, are not all Mankind by nature Children of Wrath, we as well as others? it is by Grace that we are redeemed & saved, not of ourselves, it is the Gift of God; and this universal and free Grace hath appeared to all people upon the face of the whole Earth; but all are not taught by this Grace, and the Reason is in themselves, because they deny it, and so *turn this Grace of God into Wantonness*, following the Lust of their own Hearts; and here lies the whole World, Priest and People, Professors and Profane, sinning out their dayes for term of life, their best Actions being Sin; *For the plowing of the wicked is sin, and the prayers of the wicked are abomination to the Lord*; but it is not so with the Godly, for this Grace which hath appeared to all men *taught them (the Saints) to deny Ungodliness and Worldly Lusts, and to live soberly in this present evil World*: This Grace was and is, and forever will be the Saints Teacher; and *as many as are led and guided by this free Grace (the Spirit of God) they are the Sons of God, and if Sons then Heirs, and the Heir abides in his Fathers House forever.*

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